

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHAEL L. CAREY
* LL.M. IN TAXATION

JACOBOWITZ AND GUBITS, LLP

COUNSELORS AT LAW

158 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX
E-mail: info@jacobowitz.com

G. BRIAN MORGAN
KIRK VAN TASSELL
SANFORD R. ALTMAN
MARK T. STARKMAN
AMANDA B. BRADY
IRA J. COHEN
MICHELE L. BABCOCK
GARY M. SCHUSTER
WILLIAM E. DUQUETTE
KARA J. CAVALLLO
NICOLE M. MARIANI
JOSEPH J. RANNI
AUDREY L. F. SCOTT

JOHN S. HICKS*
PAULA ELAINE KAY*
* Of Counsel

September 26, 2005

Hon. Chairperson and Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

COPY

Re: Meadowbrook Estates
Our File No. 4433-1

Dear Chairperson Petro and Board Members:

I am writing on behalf of Land Master Community Developers, the applicant, to formally request that this project be placed on the September 28, 2005 Planning Board agenda to consider an extension of the grandfathering resolution. In order to refresh the Board's recollection we have enclosed eight (8) sets of the subdivision plans.

This project consists of approximately 169.35 acres located in the Town of New Windsor and Town of Cornwall and has been before the Town Planning Boards since 2001. The application is for ninety single family residential lots, 74 in the Town of New Windsor and 16 in the Town of Cornwall. The Town of New Windsor property is located partially in the R-1 Zoning District and partially in the R-3 Zoning District.

At the time of submission of the land use application for this project the applicant was proposing 165 units on the New Windsor portion of the property; however, 200 units would have been permitted under the existing zoning with central water and sewer. During the Planning Board review process, the unit count was reduced to 137 and then to 118. Thereafter, the Town Board adopted zoning amendments increasing the lot size in both the R-1 and R-3 Zoning Districts. Your Board grandfathered all pending applications and the project was permitted to proceed under the zoning existing at the time of submission.

In reliance upon this resolution, the applicant continued to process the land use application and despite the right to develop up to 200 units, the applicant revised the plans to propose 74 single family detached dwellings to be served by central water and sewer. A letter was submitted to the Board to confirm the number of units and density calculation for the proposed plan. Both the Town Attorney and Planning Board chairman consented to allow the applicant to continue to process the land use application with the Planning Board. A copy of that letter is attached.

Based on the full environmental assessment form (EAF) and additional studies and reports that

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Jacobowitz and Gubits, LLP

September 20, 2005

Our File No. 4433-001

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evaluate traffic and transportation, stormwater management, sewer service and water service, including provision of such service by New Windsor special districts, your Board adopted a Negative Declaration under SEQR and granted preliminary approval for development of the New Windsor portion of the property. The Town of Cornwall Planning Board confirmed that Negative Declaration and granted preliminary approval for development of the Cornwall property. Additionally, a petition has been submitted to both the Town of Cornwall and the Town of New Windsor requesting the annexation of the applicant's property located in the Town of Cornwall to the Town of New Windsor. The necessary public hearing has been held and closed. The annexation is currently pending before the Town Board and scheduled for action at the October meeting.

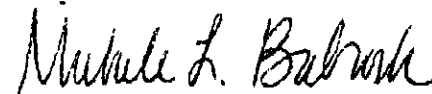
The water moratorium has prohibited the Town Board from acting on the Water District Extension and the Orange County Department of Health would not review the water main extension without the district extension and Town Supervisor signature. We have submitted several requests for the Town Board to schedule a hearing to consider granting this project an exemption or variance from the water moratorium to allow the Planning Board to process this application and to obtain final subdivision approval. At this time, no hearing has been scheduled. We have asked the Town Board to modify the moratorium to allow the extension to go forward. No action was taken.

But for the delays created by the Town Board, the approvals would have been secured. The delays have been beyond the control of the applicant.

We respectfully request the opportunity to appear before your Board on September 28, 2005, for your consideration to extend the grandfathering provision.

Thank you for your courtesy and cooperation in considering this matter. Please feel free to contact me should you have any questions.

Very truly yours,



Michele L. Babcock

cc: David Weinberg, Esq.
Ross Winglovitz, P.E.
Philip A. Crotty, Esq. ✓